

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. R-03/09-154
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division finding her liable for an overpayment of Food Stamps. The issue is whether the overpayment must be repaid if it resulted from an administrative error on the part of the Department.

DISCUSSION

The essential facts are not in dispute. The petitioner timely reported her income to the Department during the period March 20 through August 31, 2006. The Department admits that due to a "computer error" it failed to take this income into consideration in its determination of the petitioner's eligibility for Food Stamps during this period. The petitioner does not dispute that as a result of this error she received \$636 more in Food Stamps during this time than she would have if the Department had correctly considered her income.

The Department notified the petitioner of the overpayment on December, 19, 2006. On March 9, 2009, the Department sent the petitioner a notice that it was "compromising" 50 percent of the overpayment due to Department error, but that the petitioner was liable to repay the remaining 50 percent.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp regulations, the Department is required to "establish a claim against any household that has received more Food Stamp benefits than it is entitled to receive." F.S.M. § 273.18(a). The regulations also provide: "A claim shall be handled as an administrative error claim if the over issuance was caused by State agency action or failure to take action . . ." F.S.M. § 273.18(a)(2). If the household is continuing to receive Food Stamps, the required repayment is the greater of ten percent of the household's monthly allotment or \$10 per month when the claim is based on administrative error, but twenty percent or \$10 when caused by household error. F.S.M. § 273.18(g)(4). In addition,

procedures exist for the Department to "compromise" up to 50 percent of the amount of certain administrative error claims.

Inasmuch as the Department's decision is in accord with the pertinent regulations, and that it appears that the Department has given the petitioner the most advantageous repayment amounts and terms allowable under those regulations, the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4(D).

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